

REMARKS

I. Status of the Claims

Claims 1-11, 13-29, 31-35, 50, 51, and 54-177 are pending in this application.

Claims 1, 19, 20, 35, 50, 51, 54, 69, 70, 85, 86, 101, 102, 114, 117, 118, 132, 133 and 147-159 are independent in form.

II. Rejections under 35 U.S.C. §103

Claims 1-3, 15-22, 32-35, 50-51, 54-57, 62, 65, 67-70, 72, 81, 83-87, 89, 94, 97, 100-102, 104, 113, 115-120, 126, 128, 130-133, 143, 145-171, and 174-177 are rejected under 35 U.S.C. 103(a) as allegedly being obvious over Saito (U.S. Patent No. 6,256,063), in view of Kobayashi (U.S. Patent No. 5,136,320). Further, claims 4-6, 10-11, 23-25, 27-29, 58-60, 63-64, 74-76, 78-80, 90-92, 95-96, 106-108, 110-112, 121-123, 127, 136-138, 140-142, and 172-173 are rejected under 35 U.S.C. 103(a) as allegedly being obvious over Saito, in view of Kobayashi, and further in view of Takahashi (U.S. Patent No. 5,210,567). Additionally, claims 7-8, 13, 26, 30-31, 56, 61, 66, 77, 82, 88, 93, 98, 109, 114, 124, 125, 129, 139, and 144 are rejected under 35 U.S.C. 103(a) as allegedly being obvious over Saito, in view of Kobayashi, and further in view of Hashimoto (U.S. Patent No. 6,344, 875).

Applicants respectfully disagree with the characterization of the pending claims and of the prior art in the stated rejections, and traverse these rejections. Applicants respectfully submit that the claims as properly understood by those skilled in the art are patentably distinct from the cited references and that the cited references taken individually or in combination, fail to teach or suggest the present invention.

In this regard, Applicants' representative conducted a telephone interview with the Examiner on September 11, 2006. During the Examiner Interview, Applicants' arguments regarding allowability of claims over Saito, Kobayashi and other prior art of record were discussed. The Examiner was made aware of Applicants' position that the prior art of record taken individually or in combination fail to teach or suggest the present invention as claimed because prior art does not teach or suggest the technique of determining the driving manner of the optical system by using the judgment result of the three states as claimed in each of the independent claims.

Claim 1 of the present invention recites a feature involving the determination device that judges whether the image sensing apparatus "is in an external control state in which said apparatus is controlled by an external controller unit, whether said apparatus is in an image sensing state in which said apparatus is not controlled by the external controller unit, and whether said apparatus is in a playback state in which said apparatus is not controlled by the external controller unit, individually, said determination device also determining an operation of said driving device in accordance with a judgment result of said determination device." (emphasis added). In other words, the presently claimed apparatus has the unique feature of, *inter alia*, judging three states i.e. an external control state, an image sensing state, a playback state, and determining a driving manner of an optical system based on each judgment result of these three states.

On the other hand, Saito (see column 9, lines 49-54) only makes a determination based upon two states – a normal state or a remote state – based upon whether a flag is set or not. Saito does not make a determination based upon a separate playback state, a normal image state,

and a remote state, as it makes its determination based upon two states (normal and remote).

Saito also does not teach or suggest the playback mode in which the apparatus is not controlled by the external controller unit. That is to say that the judgment whether the apparatus is in playback state in which the apparatus is controlled or is not controlled by the external controller unit is not required in Saito. Therefore, claim 1 of the present invention is not anticipated by or rendered obvious by modifying the first and fifth embodiments of Saito.

Similarly, Kobayashi (see column 9, lines 13-18, 43-49) and other cited references do not teach or suggest the technique of making a determination of the driving manner of an optical system based upon three separate states. Further, Kobayashi and other cited references also do not teach or suggest the playback state in which the apparatus is not controlled by the external controller unit, as recited in claim 1.

Applicants respectfully submit that neither Saito nor Kobayashi nor other prior art of record teach or suggest the technique of determining the driving manner of the optical system as claimed in claim 1 of the present invention. Accordingly, for at least these reasons, Applicants respectfully submit that independent claim 1 and claims depending therefrom, are believed allowable.

Independent claims 19, 20, 35, 50, 51, 54, 69, 70, 85, 86, 101, 102, 114, 117, 118, 132, 133 and 147-159 are apparatus and method claims reciting a feature similar to claim 1 involving the determination device that judges three states i.e. an external control state, an image sensing state, a playback state, and determining a driving manner of an optical system based on each judgment result of these three states. For the reasons discussed hereinabove, Applicants believe that independent claims 19, 20, 35, 50, 51, 54, 69, 70, 85, 86, 101, 102, 114, 117, 118,

132, 133 and 147-159 and claims depending therefrom are not disclosed, taught and suggested by Saito alone or in combination with Kobayashi or other references of record, and respectfully submit that these claims are believed allowable for at least the reasons for allowing claim 1.

Accordingly, for at least these reasons, Applicants respectfully submit that independent claims 1, 19, 20, 35, 50, 51, 54, 69, 70, 85, 86, 101, 102, 114, 117, 118, 132, 133, 147-159 and claims depending therefrom, are believed allowable.

Dependent Claims

Applicants have not specifically addressed the rejections of the dependent claims. Applicants respectfully submit that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicants, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

Applicants respectfully request that the foregoing objections be withdrawn as being overcome or otherwise rendered moot.


CONCLUSION

For at least the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-4522.

Respectfully submitted,
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